

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

MASON WOLLERSHEIM,

Plaintiff,

v.

SA FRANCIS T. NGYUEN,

Defendant.

Case No. 2:24-cv-00432-JAD-EJY

ORDER

The Court is in receipt of Plaintiff's Motion to Extend Time to Serve the Summons and Complaint on eight unserved defendants including Christian Clark, Samuel Hukill, Lucas Rosengren, David Collier, Gary Ford, Christina Malone, Hedi Ruiz, and Jake Xiong (the "Unserved Defendants"). ECF No. 20. No response to this Motion was filed.

Nevertheless, on August 16, 2024, the U.S. Attorney's Office in the District of Nevada filed a Motion seeking an extension of time to file a response to Plaintiff's Amended Complaint on behalf of the served "Army Defendants." ECF No. 23.¹ A review of the docket demonstrates some of the Army Defendants represented by the U.S. Attorney are identified in Plaintiff's Amended Complaint as Special Agents working with Army CID. Plaintiff's representations in his Motion to Extend Time, together with his Amended Complaint, demonstrates some Unserved Defendants are also serving as Special Agents with Army CID. While the Court is not certain that the information provided by Plaintiff is correct, the Court notes that the U.S. Attorney's Office accepted service for several defendants who are identified as Special Agents working with the Army CID (such as Ngyuen), but not others.

Specifically, Defendants Hukill, Rosengren, and Xiong are identified by Plaintiff as Special Agents working with the Army CID; however, the U.S. Attorney does not represent these Defendants. The question is, why? The Court is certain there is an explanation for the distinction,

¹ While the Court is inclined to grant the U.S. Attorney's Motion to Extend Time (ECF No. 23), the Court provides Plaintiff the opportunity to respond and explain any opposition he may have to the requested extension.

1 but the Court does not know what that explanation is. Before the Court considers whether to extend
2 time to serve three Defendants who are identified in positions identical to other Defendants who are
3 represented by the U.S. Attorney, the Court seeks clarification regarding why these three are not
4 represented by the U.S. Attorney.

5 With respect to Plaintiff's Motion seeking to extend time to serve Defendants Clark, Collier,
6 Ford, Malone, and Ruiz, as stated, no opposition to Plaintiff's Motion was received. Under Local
7 Rule 7-2(d), the Court may treat the failure to oppose Plaintiff's Motion as consent by Defendants to
8 grant the Motion.

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Extend Time to Serve
10 (ECF No. 20) is GRANTED in part and held in abeyance in part.

11 IT IS FURTHER ORDERED that Counsel for the Army Defendants must file a status report
12 with the Court no later than **September 3, 2024** explaining why Defendants Hukill, Rosengren, and
13 Xiong are not represented along with other "Army Defendants."

14 IT IS FURTHER ORDERED that Plaintiff is granted through and including **September 19,**
15 **2024** to serve Defendants Clark, Collier, Ford, Malone, and Ruiz.

16 IT IS FURTHER ORDERED that the Court will issue a further Order regarding service of
17 Defendants Hukill, Rosengren, and Xiong after it receives further information regarding whether
18 these Defendants are or will be represented by the U.S. Attorney.

19 Dated this 19th day of August, 2024.

20
21 
22 ELAYNA J. YOUCHAH
23 UNITED STATES MAGISTRATE JUDGE
24
25
26
27
28